

Sec. 26-30-120. Telecommunications facilities.

- A. **Definitions.** See Section 26-02-140 (Definitions).
- B. **Commercial and Noncommercial Facilities.** All commercial and noncommercial telecommunication facilities must comply with the standards in Section 26-88-130 (telecommunication facilities). The county will review and act on telecommunication facilities consistent with state and federal law. In case of conflict between this section and higher law, higher law governs.
- C. **Commercial Facilities.**
 - 1. **Required Permits.** Table 30-1 shows permits required for commercial telecommunication facilities. "ZP" indicates that a zoning permit is required pursuant to Section 26-30-120.E.

Table 30-1: Required Permits for Commercial Telecommunication Facilities

Type of Facilities	LIA, LEA, DA, RRD, TP, AR, RR Zones	R1, R2, R3 Zones	CO, C1 Zones	C2, C3, LC, CR, AS, K Zones	MP, M1, M2, M3 Zones	PC Zones
Attached	P	P	P	P	P	P
Minor Freestanding	ZP	ZP	P	P	P	ZP
Intermediate Freestanding						
Less than 50 feet	C	C	P	P	P	—
50 to 80 feet	C	C	C	C	P	—
More than 80 feet	C	C	C	C	C	—
Major Freestanding	C	—	—	C	C	—

- 2. **PF Zone.**
 - a. Attached facilities are permitted by-right in the PF zone.
 - b. Freestanding facilities in the PF zone are allowed subject to the standards and requirements in the base district which is predominant in the area outside of the boundary of the PF zone and in closest proximity to the proposed facility.
- D. **Noncommercial Telecommunication Facilities.** Table 30-2 shows permits required for noncommercial telecommunication facilities.

Table 30-2: Required Permits for Noncommercial Telecommunication Facilities

Facility Height	Agricultural and Resource-Based, Residential, and PC Zones	Commercial, Industrial, and PF Zones
Less than 40 ft.	P	P
40 ft. to 80 ft.	ZP	P
More than 80 ft.	C	C

- E. **Permits for Telecommunication Facilities.**
 - 1. **Public Notice.** Public notice of a zoning permit application for a telecommunication facility must be mailed to adjacent property owners and posted on the property at least ten (10) days prior to application approval. The notice must describe the facility, include a site plan and one (1) elevation

with dimensions of the facility, and state that the department will approve the zoning permit provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Public notice of a use permit application shall be provided in accordance with Art. 92 and state law.

2. **Environmental Review.** Commercial telecommunication facilities that require discretionary review also require environmental review under the California Environmental Quality Act (CEQA).

(Ord. No. 6335, § III(Exh. A), 2-9-2021)

Sec. 26-64-040. Telecommunication facilities in the SR district.

The following provisions shall apply to telecommunication facilities on properties in community separators, scenic landscape units, and scenic corridors as shown on Figures OS-5a through OS-5i, inclusive, of the general plan open space element.

Telecommunication facilities which are allowed by the applicable base district shall meet the provisions of said base district and the applicable standards of Section 26-64-020 or 26-64-030, except that:

- (a) An attached commercial telecommunication facility shall also be subject to design review approval.
- (b) A noncommercial telecommunication facility shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts to the extent feasible. While cuts and fills are discouraged, they should be considered if, on balance, they enhance the overall scenic quality of the designated scenic resource area.
- (c) A freestanding commercial telecommunication facility may be considered subject to the following additional criteria:
 - (1) The facility shall be subject to approval of a use permit.
 - (2) While cuts and fills are discouraged, they should be considered if they result in enhancement of the overall scenic quality of the designated scenic resource area.
 - (3) An alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of Section 26-88-130(a)(3)(xiv).
 - (4) A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility and its feasible alternatives. Consideration shall be given to views from public areas as well as from private residences, but shall focus on preservation of scenic resources. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

(Ord. No. 4973 § 12(c), 1996.)

Sec. 26-88-130. Telecommunication facilities.

- (a) The following are the minimum criteria applicable to telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, additional mitigation measures or other conditions may also be necessary.

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- (1) Except as noted, all telecommunication facilities shall comply with the following:
- (i) Any applicable easements or similar restrictions, including open space easements, on the subject property.
 - (ii) Any applicable general plan, specific plan, area plan, local area development guidelines, and the permit requirements of any agencies which have jurisdiction over the project.
 - (iii) The regulations of any applicable combining district.
 - (iv) The height of any freestanding facility shall include the height of any structure upon which it is placed.
 - (v) All setbacks shall be measured from the base of the tower closest to the applicable property line or structure.
 - (vi) The facility shall be operated so that it shall not result in human exposure to nonionizing electromagnetic radiation (NIER) in excess of the levels specified in the most current standard governing human exposure to NIER utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant shall be responsible for demonstrating that the proposed facility will comply with this standard and may do so in any one of the following ways:
 - A) Provide evidence in the form of an FCC license or construction permit that the FCC has accepted the applicant's certification that the facility meets the FCC standard.
 - (B) Provide evidence that the FCC has categorically excluded the applicant from demonstrating compliance with the FCC standard.
 - (C) Provide an independent analysis by or on behalf of the applicant which demonstrates that the facility will comply with the FCC standard by such calculations and measurements as may be necessary. The calculations, measurements, and all related methods utilized to determine compliance shall be consistent with FCC policies and procedures.
 - (vii) Replacement of aging, defective, or obsolete legally established antennas or towers is permitted without new zoning permit or use permit approval, provided that such replacement does not increase the height or result in a substantial change in the appearance of the facility. Pursuant to Section 26-94-010(b), a legal nonconforming facility may be expanded one (1) time not to exceed ten percent (10%) of the total existing silhouette, subject to all other applicable requirements of this code.
 - (viii) In the event that a proposed telecommunication facility does not meet the required standards or criteria for such facility in the applicable district, it may be considered as the next larger facility, subject to the criteria therefor. For example, a minor facility that exceeds the allowed silhouette limit may be considered as an intermediate facility requiring a use permit, or an attached facility that exceeds the allowed silhouette limit may be considered as a minor facility requiring a zoning permit.
- (2) In addition to the standards of subsection (a)(1) of this section, attached commercial telecommunication facilities shall meet, at a minimum, the following criteria:
- (i) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.
 - (ii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.

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- (iii) Antennas shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
 - (iv) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.
 - (v) Approval of all commercial facilities is subject to the decision-making body finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.
- (3) In addition to the standards of subsection (a)(1) of this section, freestanding commercial telecommunication facilities shall meet, at a minimum, the following criteria:
- (i) Potential adverse visual impacts which might result from project related grading or road construction shall be minimized.
 - (ii) Facility towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
 - (iii) Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
 - (iv) Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.
 - (v) Significant adverse impacts on biotic resources, including any threatened, rare or endangered species, shall be mitigated.
 - (vi) Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways. Structures and roads on slopes of thirty percent (30%) or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten percent (10%). Natural vegetation and topography shall be retained to the extent feasible.
 - (vii) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.
 - (viii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.
 - (ix) Upon abandonment or termination, the entire facility, including all equipment, towers, antennas, etc., shall be removed and the site restored to its pre-construction condition or other authorized use.
 - (x) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.
 - (xi) Facilities shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.

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- (xii) The facility operator and property owner are encouraged to make available unutilized space for future co-located or multiple-user telecommunication facilities, including space for those entities providing similar, competing services.
 - (xiii) All applications for zoning permits or use permits shall include a statement or other documentation that all owners of property within three hundred feet (300') of the subject property have been provided with a written notification of the filing of the application.
 - (xiv) An alternatives analysis (required for major freestanding facilities in all districts and for intermediate freestanding facilities in the AR, RR, R1, R2, R3, and PC districts with a UR or RR land use designation) shall include the following content:
 - (A) A topographic map of the proposed local service area which identifies the local network of facilities with which the proposed facility will connect.
 - (B) A small scale map of the applicable franchise area, which identifies the regional network of facilities with which the local network will connect.
 - (C) Identification of the following on the local topographic map:
 1. All other existing telecommunication facilities, including those owned or operated by the applicant for the same type of service, and those which provide other wireless services which could potentially support the proposed facility.
 2. All other existing structures which might provide an opportunity for attached facilities.
 3. Lands which are zoned for commercial or industrial use.
 4. Lands which are designated as open space.
 - (D) Identification of any existing service gaps in the proposed local service area as well as any service gaps which may remain in the event that the proposed facility is approved and constructed.
 - (E) Identification of at least two (2) alternative service plans which could provide comparable service to the intended service area. An explanation must be included if there are not at least two (2) alternative plans. Alternatives which do not produce a minimum quality signal, or which would substantially interfere with another service do not need to be included.
 - (F) The alternatives should include a mix of service strategies which incorporate existing, attached, and/or other freestanding facilities. The alternatives analysis for a facility proposed within a designated scenic resource area and/or a residential zone (AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation) shall include any feasible alternatives outside these respective areas. They should also be designed to offer clear tradeoffs involving:
 1. The level of service provided;
 2. The number of towers;
 3. Variety in tower heights and silhouettes;
 4. Potential visual impacts;
 5. Residential proximity and compatibility;
 6. Proximity to service area;

7. Other applicable potential environmental impacts.

- (G) A description of each alternative, including its ancillary equipment and structures and associated roads and compare and contrast the alternatives using the above factors. The alternative plans need not be analyzed at the same level of detail as the proposed project, but the justification for selection of the proposed project must be presented.
 - (xv) Tower setbacks may be waived under any one (1) of the following circumstances:
 - (A) The facility is proposed to be co-located onto or clustered with an existing, legally established telecommunication facility.
 - (B) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
 - (C) Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
 - (xvi) Approval of all commercial facilities is subject to the decision-making body finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.
- (b) Additional Standards for Telecommunication Facilities Pertaining to Specific Districts.
- (1) LIA, LEA, DA, RRD, RRDWA, TP Districts.
 - (i) Attached commercial facilities may be flush-mounted on the side or roof of a structure but are subject to a limit of five (5) square feet of silhouette above the structure ridgeline or twenty-five (25) square feet above the roof on any single structure and a cumulative total silhouette for all attached commercial antennas on the subject lot of one hundred (100) square feet above the roofs of structures. The director may allow these silhouette limits to be exceeded without requiring a zoning or use permit provided that the added silhouette would be effectively unnoticeable.
 - (ii) Minor freestanding commercial facilities shall meet the following standards:
 - (A) Towers shall be set back from the nearest offsite dwelling unit by a minimum distance equivalent to one hundred ten percent (110%) of the height of the facility or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (B) The cumulative total silhouettes of the towers and antennas on the subject lot shall not exceed one hundred sixty-five (165) square feet at full design capacity.
 - (iii) Intermediate and major freestanding commercial facilities shall meet the following standards:
 - (A) Towers shall meet the setback standards of subsection (b)(1)(ii)(A) of this section.
 - (B) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.
 - (C) A visual analysis.
 - (2) AR, RR, R1, R2, and R3 Districts.

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- (i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of all attached commercial antennas on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of structures. The director may allow these silhouette limits to be exceeded without requiring a zoning or use permit provided that the added silhouette would be effectively unnoticeable.
 - (ii) Minor freestanding commercial facilities shall meet the following:
 - (A) Towers shall be set back from the nearest off-site dwelling unit by a minimum distance equivalent to one hundred ten percent (110%) of the height of the facility or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (B) The cumulative total silhouette of the towers and antennas on the subject lot at full design capacity shall not exceed seventy (70) square feet in the AR and RR districts and shall not exceed forty-five (45) square feet in the R1, R2, and R3 districts.
 - (iii) Intermediate and major freestanding commercial facilities are not allowed in these districts unless the applicant demonstrates to the satisfaction of the decision-making body that there is no technically feasible site or method of providing the needed service on lands which are not zoned AR, RR, R1, R2, R3, or PC with a UR or RR land use designation. Such demonstration shall be accompanied by the following:
 - (A) An alternatives analysis which meets the requirements of subsection (a)(3)(xiv) of this section.
 - (B) A visual analysis, which may include photo montage, field, mock-up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.
- (3) CO, C1 Districts.
- (i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of the antennas placed upon dwelling units on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of residential structures.
 - (ii) Minor and intermediate freestanding commercial facilities fifty feet (50') or less in height shall meet the following:
 - (A) Towers setbacks shall be the same as those for other structures in the base district.
 - (B) The cumulative total silhouette of the facilities on the subject lot shall not exceed two hundred ten (210) square feet at full design capacity.
 - (iii) Intermediate freestanding commercial facilities greater than fifty feet (50') in height shall meet the following:
 - (A) Towers shall be set back by a minimum distance equivalent to fifty percent (50%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the

applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.

(B) A visual analysis.

(4) C2, C3, LC, RC, AS, K, MP, M1, M2, and M3 Districts.

(i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of the antennas on dwelling units on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of residential structures.

(ii) Minor and intermediate freestanding commercial facilities eighty feet (80') or less in height shall meet the following:

(A) Towers setbacks shall be the same as those for other structures in the base district.

(B) The cumulative total silhouette of the facilities on the subject lot shall not exceed two hundred ten (210) square feet at full design capacity.

(iii) Intermediate and major freestanding commercial facilities greater than eighty feet (80') shall meet the following:

(A) For intermediate facilities, towers shall be set back by a minimum distance equivalent to fifty percent (50%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.

(B) For major facilities, towers shall be set back by a minimum distance equivalent to one hundred percent (100%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.

(C) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.

(D) A visual analysis.

(Ord. No. 4973 § 14, 1996.)